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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,996	12/10/1999	YUKO S. NISHIKAWA	080398.P230	1826

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MARIA E SOBRINO
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES, CA 90025

EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 08/13/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.
09/466,996

Applicant(s)
Nishikawa et al.

Examiner
Boccio, Vincent

Art Unit
2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 12-15, 19, 21-32, 35, and 36 is/are rejected.
- 7) ☒ Claim(s) 7-11, 16-18, 20, 33, 34, 37, and 38 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
A person shall be entitled to a patent unless --
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
2. Claims 1, 3-4, 6, 13-15, 17, 19, 21-25 and 28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Hailey (US 6,215,951).

Regarding claims 1, 6, 14-15, 19, 23, 25 and 28, Hailey discloses and meets the limitations associated with a method and corresponding apparatus for recording program content data which is categorization of the program content, of a transmission (Fig. 5, "tune tuner at 520"), comprising:

- o receiving program information for a program for recording (col. 2, program guide, such as from the "VBI" or other);
- o generating a title automatically for the program and recording the titling information or frame prior to the recording of the program content (col. 2, lines 30-34, "title and date are recorded onto the tape as a user readable OSD display ahead of the .. TV program").

Regarding claims 4, 13, 17, 21-22, 24 and 29-30, which recites wherein the title generation comprises a graphic

treatment which is considered to be inherent with respect to any the OnScreenDdisplay wherein the placement of the information, meets the limitation of, "a graphic treatment", of the text, superimposed on the video frame signal, titling information which dictates how the titling information will be laid out on the screen or frame displayed on the screen.

Regarding claim 3, Hailey meets the limitation selection from a group comprising at least a title, date, start time, channel, rating etc...., or other available information available from an EPG or VBI, as is well known and as disclosed (col. 2, lines 30-49).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 5, 31-32, 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hailey(US 6,215,951).

Regarding claim 5, Hailey discloses various information and

further discloses information including additional content text or description information, but, fails to disclose Genre.

The examiner takes official notice that Genre information provided with an EPG or program information is known in the art, and therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Hailey by utilizing Genre data, as well as titles and other data to title recorded programs, for identification of recorded content, as is well known.

The combination as applied fails to address, wherein a graphic treatment corresponds to the titling information, including, Genre information of a program, which is determined to be met by the OSD which formats the data on the titling frame, based on the data itself, the amount of words and letters associated with the titling information, therefore, the OSD provides for a graphic treatment of the data to be displayed, as titling information is laid out based on the information itself, as all OSDs dictate, text information layout, therefore at least one graphic treatment routine or dictation, based on the information itself.

Claim 31-32, 35, have been analyzed and discussed with respect to Hailey above, but as applied fails to address the limitation of "computer readable medium" for performing the steps.

The examiner takes official notice that it is well known to implement flow charts as shown in Fig. 5, being a widely used implementation for EPG, event recording etc., therefore, it would have been obvious to one skilled in the art at the time of the invention to utilize a computer readable medium to provide a means for storing program code to perform the steps as recited as is well known to those skilled in the art.

5. Claims 2, 26 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hailey(US 6,215,951) in view of Her (US 5,469,224).

Regarding claims 2, 26, Hailey fails to disclose wherein the user selects an option to generate a title or not, or a user activated option to either provide a title or not.

Her teaches providing a user the option, thru a switch as shown in Fig. 3, "SW 13" to either provide a title to the recording or not (col. 2, lines 45-, "SW13 on or off in order to select the superimposed signal or a standard signal as a recording signal), thereby providing a mean to a user an option to either title or not the recording, as taught by Her.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Hailey by incorporating, "the option", to the user to record a titled frame or not as desired, as taught by Her.

Claim 36 has been analyzed and discussed with respect to the claims 31 etc., above.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hailey(US 6,215,951) in view of Yuen et al.(US 6,487,362).

Regarding claim 12, Hailey fails to disclose using a default title from when no content information is available for the program.

Yuen teaches upon the condition that no title is detected from the broadcast signals and if no title is entered by a user, then a default title is inserted into the directory, information including channel, date and time information (col. 110, lines 15-20), as taught by Yuen.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Hailey by incorporating the function of providing a default title upon the condition that no content information is available for the program.

Allowable Subject Matter

7. Claims 7-11, 16, 17-18, 20, 27, 33-34, 37-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 7 and 33, the prior art of record fails to disclose, teach or fairly suggest, in combination with claims 1 and 6, wherein the title frame is user customizable, wherein placement of the program information in the title frame comprises:

determining if the user selects to customize information in the title frame, placing customizable program information in the title frame if the user selects to customize the title frame; and placing the received program information in the title frame corresponding to a default setup if the user does not select to customize the title frame.

Regarding claims 16 and 37, the prior art fails to disclose, teach or fairly suggest wherein selecting a graphic treatment comprises selecting a graphic treatment from a plurality of graphic, each graphic corresponding to the respective content data. ✓

Regarding claims 17 and 38, the prior art fails to disclose, teach or fairly suggest wherein generating the title frame using the program information comprises placing the program information and the selected graphic treatment in the title frame.

Regarding claim 20, the prior art fails to disclose, teach or fairly suggest wherein the memory is configured to store

graphics treatments to use in the title frame.

Regarding claim 27, the prior art fails to disclose, teach or fairly suggest further comprising means for connecting to an external input device allowing a user to customize the title frame.

Contact Fax Information

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication intended for entry)

or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Contact Information

8. Any inquiry concerning this communication or earlier communications should be directed to the examiner of record, Monday-Thursday, 8:00 AM to 5:00 PM Vincent F. Boccio (703) 306-3022.

If any attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Andy Christensen (703) 308-9644.

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service (703) 306-0377.

Primary Examiner, Boccio, Vin
August 8, 2003


VINCENT BOCCIO
PRIMARY EXAMINER